

FILED

April 23 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

IN THE SUPREME COURT OF THE STATE OF MONTANA

DA 09-0601

Phyllis Jamison
Pro Se Appellant
P.O. Box 343
Clinton, MT 59825
Phone & Fax (406) 825-2004

PHYLLIS JAMISON,

Plaintiff and Appellant,

v.

FRED VAN VALKENBURG,
MISSOULA COUNTY COMMISSION,
BILL CAREY, COMMISSIONER, JEAN
CURTISS, COMMISSIONER, JAMES
MCCUBBIN, DEPUTY COUNTY
ATTORNEY, DENA L. LUND, JACK S.
LUND, RICHARD B. WHEATLEY,
TAMBRY T. WHEATLEY,

Defendants and Appellees.

MOTION AND AFFIDAVIT

IN SUPPORT OF MOTION

TO FILE APPELLATE

BRIEF BY APRIL 30, 2010

FILED

APR 23 2010

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CLERK OF THE SUPREME COURT
STATE OF MONTANA

I, Phyllis Jamison, move this Court to grant a 7-day extension of time for filing my Appellant's opening brief, with a date certain of April 30, 2010.

The Appellant, Phyllis Jamison, being first sworn upon her oath, states the following:

- (a) The brief is due April 23, 2010.
- (b) The brief was first due January 21, 2010.
- (c) The length of the requested extension is 7 days.

p. 1 of 4

(d & e) The reason an extension is necessary is that I almost wrote to the court to say I would have to drop out of this lawsuit and I cannot do that. I was having nausea and "digestive" troubles to the point I was starting to lose too much weight and I was dehydrated and getting weaker by the day. I am not exaggerating and I am crying as I write this. I am asking that the court allow me seven days from this day to finish my brief, or to turn in whatever I have finished and hope that the court will be able to accept whatever I file in case I am not able to cover all my issues. My definite goal is finish everything.

I am so sorry and I do apologize to this court and to all the parties for this request. Frankly, I am embarrassed because I have never been in a situation before where my body just refused to continue. But because I have spent years studying natural healing remedies I found an herbal remedy at a health food store that has got my entire digestive system under control to the point that I am no longer losing weight and I am no longer dehydrated. These are not details I would ordinarily ever burden the court with, but now I have no choice.

Nonetheless, I have done a lot of research and I am making extensive citations in my brief and it is shaping up to be a hopefully respectable presentation.

(f) I, Phyllis Jamison, attempted to contact Paul Sharkey, who is opposing counsel for defendants Jack Lund and Dena Lund and I was not able to reach Sharkey. I also attempted to contact Alan F. McCormick, who is counsel for Missoula County, and I was not able to reach McCormick.

I do want to add that there have actually been two times, rather than the one, where Alan F. McCormick, opposing counsel for Missoula County, did tell me that I could

p. 2 of 4

represent to this court that he had no objection to an extension. But I did not report that to the court because while McCormick returned my call as soon as he could, it was not in time to include in my filing. But I thanked him of course and I also have offered to both counsel that I will not object should they need an extension.

Thank you for your consideration of this request for a seven day extension of time to April 30, 2010.

Respectfully submitted,

Phyllis Jamison

Phyllis Jamison

Pro Se Appellant

April 23rd, 2010

CERTIFICATE OF COMPLIANCE

Pursuant to Rule 11(4)(b); of the Montana Rules of Appellate Procedure, I certify that this brief is printed with a mono-spaced Courier text typeface of 12 points; is double spaced; [I do not have Microsoft Word 2003 on my computer-typewriter], is not more than 30 (14 for reply) pages, excluding certificate of service and certificate of compliance.

Dated this 23rd day of April, 2010.

Phyllis Jamison

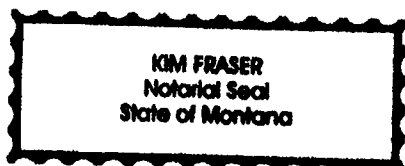
Phyllis Jamison, Pro Se Appellant

On the 23rd day of April, 2010 before me, the undersigned, a Notary Public for the State of Montana, personally appeared Phyllis Jamison, known to me to be the person who executed the within instrument and acknowledged to me that she executed the same.

p. 3 of 4

IN WITNESS WHEREOF, I have hereunto set my hand and notarial seal the day and year first above written.

SEAL



A handwritten signature in cursive script, appearing to read "Kim Fraser", written over a horizontal line.

Notary Signature

Kim Fraser

Notary printed or typed name

Residing at Missoula, MT

My commission expires 11-19-2011

CERTIFICATE OF SERVICE

I, the undersigned pro se appellant, hereby certify that on this 23rd day of April, 2010 I filed a true and accurate copy of the foregoing Pro Se Appellant's "Motion and Affidavit in Support of Motion for a 7-Day Extension of Time" by FACSIMILE (406) 444-5705 at 1:00 PM with the Clerk of the Montana Supreme Court and that I have served true and accurate copies of the foregoing motion upon each attorney of record in the above referenced action, by depositing the same in the United States Mail, postage prepaid thereon, addressed as follows:

Paul Sharkey
Phillips Law Firm, P.C.
P.O. Box 8569
Missoula, MT 59807-8569
Counsel for Dena Lund & Jack Lund

Alan F. McCormick
Garlington, Lohn & Robinson
P.O. Box 7909
Missoula, MT 59807-7909
Counsel for Missoula County

Dated this 23rd day of April, 2010.

A handwritten signature in cursive script, appearing to read "Phyllis Jamison", written over a horizontal line.

Phyllis Jamison
P.O. Box 343
Clinton, MT 59825
Pro Se Appellant

p. 4 of 4